House File 194 - Introduced

HOUSE FILE 194

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A BILL FOR

- 1 An Act requiring the consideration of project labor agreements
- 2 for certain state construction projects.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. NEW SECTION. 72.6 Project labor agreements.
- 2 l. For the purposes of this section:
- 3 a. "Labor organization" means an area or state building
- 4 and construction trades or crafts council, organization, or
- 5 association or a comparable body.
- 6 b. "Large-scale construction project" means the
- 7 construction, rehabilitation, alteration, conversion,
- 8 extension, repair or improvement of a vertical public works
- 9 project, including a building and other real property-related
- 10 project, where the total project cost is twenty-five million
- 11 dollars or more.
- 12 c. "Project labor agreement" means a comprehensive pre-hire
- 13 collective bargaining agreement that is negotiated between a
- 14 project's owner and an appropriate labor organization and sets
- 15 out the basic terms and working conditions for that particular
- 16 project.
- 17 2. A state agency shall consider using a project labor
- 18 agreement in connection with a large-scale construction project
- 19 as provided in this section.
- 20 3. In awarding a contract in connection with a large-scale
- 21 construction project, or in obligating funds pursuant to such a
- 22 contract, a state agency, on a project-by-project basis, may
- 23 require the use of a project labor agreement where the use will
- 24 advance the state's interest. In making the decision whether
- 25 to use a project labor agreement, the state agency shall
- 26 consider the following factors:
- 27 a. The potential for a labor disruption, such as a strike,
- 28 lockout, or slowdown, which could affect the timely completion
- 29 of the project.
- 30 b. The number of trades and crafts anticipated to be used
- 31 on the project.
- c. The need and urgency of the project and the harm to the
- 33 public if the completion of the project is delayed.
- 34 d. The size and complexity of the project and the time
- 35 needed for its completion.

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- 1 e. The benefits to the public from the use of the project
- 2 labor agreement relative to the project's cost, efficiency,
- 3 quality, safety, and timeliness of completion.
- 4 f. The ability to ensure compliance with all applicable
- 5 state laws and rules governing safety and health, equal
- 6 employment opportunity, labor, and employment standards.
- 7 4. If a state agency determines that the use of a project
- 8 labor agreement will advance the state's interest, the state
- 9 agency may require that every contractor or subcontractor
- 10 on the project agree, for that project, to negotiate or
- 11 become a party to a project labor agreement with one or more
- 12 appropriate labor organizations. The decision to use a project
- 13 labor agreement shall be supported by written findings by
- 14 the affected state agency which demonstrate how the use of a
- 15 project labor agreement will benefit the state's interest,
- 16 particularly with respect to the factors enumerated in
- 17 subsection 3.
- 18 5. A project labor agreement reached pursuant to this
- 19 section shall do all of the following:
- 20 a. Bind all contractors and subcontractors on the
- 21 large-scale construction project through the inclusion of
- 22 appropriate specifications in all relevant solicitation
- 23 provisions and contract documents.
- 24 b. Allow all contractors and subcontractors to compete for
- 25 contracts and subcontracts without regard to whether they are
- 26 otherwise parties to collective bargaining agreements.
- 27 c. Contain guarantees against strikes, lockouts, and similar
- 28 job disruptions.
- 29 d. Set forth effective, prompt, and mutually binding
- 30 procedures for resolving labor disputes arising during the term
- 31 of the project labor agreement.
- 32 e. Provide other mechanisms for labor-management cooperation
- 33 on matters of mutual interest and concern, including but not
- 34 limited to productivity, quality of work, safety, and health.
- 35 f. Fully conform to all applicable state laws and rules.

- 1 6. This section shall not be construed to preclude the 2 use of a project labor agreement on any construction project 3 not otherwise subject to this section. This section shall 4 not be construed to require a contractor or subcontractor to 5 enter into a project labor agreement with any particular labor 6 organization.
- 7 7. This section applies notwithstanding section 26.16 and 8 chapter 73A, subchapter III.

9 EXPLANATION

- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 12 This bill requires a state agency to consider using a project 13 labor agreement for a large-scale construction project. 14 bill defines a "project labor agreement" as a comprehensive 15 pre-hire collective bargaining agreement that is negotiated 16 between a project's owner and an appropriate labor organization 17 and sets out the basic terms and working conditions for 18 that particular project. The bill defines a "large-scale 19 construction project" as the construction, rehabilitation, 20 alteration, conversion, extension, repair, or improvement 21 of a vertical public works project, including a building 22 and other real property-related project, where the total 23 project cost is \$25 million or more. The bill authorizes a 24 state agency to require the use of a project labor agreement 25 where the use will advance the state's interest. 26 sets out certain factors for making such a decision. 27 bill delineates requirements for a project labor agreement. 28 The bill specifies that the bill should not be construed to 29 preclude a state agency from using a project labor agreement 30 for any construction project not otherwise covered by the bill. 31 The bill specifies that the bill should not be construed to 32 require a contractor or subcontractor to enter into a project 33 labor agreement with any particular labor organization. The bill applies notwithstanding provisions of law

35 prohibiting certain prequalification requirements and award

1 conditions for public improvement projects.